



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

VIA ELECTRONIC MAIL

Mr. Richard Helm, Executive Director
Frederick-Winchester Service Authority
PO Box 43
Winchester, VA 22604
rhelm@fredwin.com

RE: CWA Section 308 Information Requirement

Dear Mr. Helm:

The United States Environmental Protection Agency ("EPA") hereby requires that Crooked Run Wastewater Treatment Facility ("Crooked Run WWTF") provide certain information regarding the Crooked Run WWTF located at 130 Crappie Court, Front Royal, Virginia 22630 ("Facility"). EPA requires this information as a part of its investigation of the Facility's compliance with the Clean Water Act ("CWA"), 33 U.S.C. § 1251, and the regulations promulgated thereunder.

Compliance with this Information Requirement is mandatory. Failure to respond fully and truthfully to the Information Requirement in accordance with deadlines set forth in the Information Requirement, or to adequately justify such failure to respond, can result in enforcement action by EPA pursuant to Section 309 of the CWA, 33 U.S.C. § 1319. Please note that the provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001.

Crooked Run WWTF is entitled to assert a business confidentiality claim, covering all or part of the information which this letter requires. Any such claim should be made in accordance with the procedures described at 40 C.F.R. § 2.203(b). In the event that Crooked Run WWTF asserts a claim of business confidentiality with respect to any document, Crooked Run WWTF should provide EPA with a redacted version of the document which does not contain any claimed business confidential information and which can be distributed to the public if requested. EPA will provide the public with information subject to a claim of business confidentiality only in accordance with the procedures set forth at 40 C.F.R. Part 2, Subpart B. Unless a confidentiality claim is asserted at the time the required information is provided, EPA may make this information available to the public without further notice to Crooked Run WWTF.

This required submission of information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501.

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If you have any factual questions concerning this information request, please contact Ms. Erin Trouba at (215) 814-2023 or Trouba.Erin@epa.gov.

Sincerely,

Rick Rogers, Chief
Water Branch
Enforcement and Compliance Assurance Division

Enclosures

cc: Troy Nipper, VADEQ (troy.nipper@deq.virginia.gov)
Brandon Kiracofe, VADEQ (brandon.kiracofe@deq.virginia.gov)
Eric Lawrence, Frederick Water (elawrence@frederickwater.com)

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029**

In the Matter of:

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:
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Proceeding under Section 308 of the
Clean Water Act, 33 U.S.C. § 1318

Crooked Run Wastewater
Treatment Facility
130 Crappie Court,
Front Royal, Virginia 22630

Respondent

INFORMATION REQUIREMENT

I. STATUTORY AUTHORITY

1. This Information Requirement is issued under the authority vested in the United States Environmental Protection Agency (EPA) by Section 308 of the Clean Water Act (CWA), 33 U.S.C. § 1318. The Administrator of the EPA has delegated this authority to the Regional Administrator of EPA Region III who in turn has delegated it to the Director of the Enforcement and Compliance Assurance Division of EPA Region III, who in turn has delegated it to the Chief of the Water Branch. EPA hereby requires Crooked Run Wastewater Treatment Facility ("Crooked Run WWTF", "Respondent") to provide the information specified below.

II. STATUTORY AND REGULATORY BACKGROUND

2. EPA is authorized under Section 308 of the CWA, 33 U.S.C. § 1318, to require owners and operators of point sources to establish records and make such reports as may be necessary to carry out the purpose of the CWA, including but not limited to:
 - a. developing or assisting in the development of any effluent limitation, or other limitation, prohibition, effluent standard, pretreatment standard, or standard of performance under the CWA;
 - b. determining whether any person is in violation of any such effluent limitation, or other limitation, prohibition or effluent standard, pretreatment standard, or standard of performance;

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- c. any requirement under Section 308 of the CWA; and
 - d. carrying out Sections 305, 311, 402, 404, and 504 of the CWA.
3. Failure to respond as directed to a CWA Section 308 Information Requirement is punishable under the civil and criminal provisions of Section 309 of the CWA, which provide for the assessment of penalties, injunctive relief and imprisonment. Providing misleading or false information may subject you to civil and criminal sanctions. The information you provide may be used by EPA in administrative, civil or criminal proceedings.
 4. You may assert a business confidentiality claim covering all or part of the information submitted in response to this Requirement in the manner described in 40 C.F.R. Part 2 Subsection B. Information covered by a business confidentiality claim will be disclosed by EPA only to the extent and by means of the procedures set forth in Subpart B, 40 C.F.R. Part 2. If no claim of confidentiality accompanies the information submitted when it is received by EPA, it may be made available to the public by EPA without further notice. You may not withhold any information from EPA on the grounds that it is confidential business information.
 5. This inquiry is not subject to review by the Office of Management and Budget under the Paperwork Reduction Act 44 U.S.C. Chapter 35. (See 5 C.F.R. Section 1320.3(c)).
 6. This Information Requirement does not preclude EPA from performing inspections.

III. INSTRUCTIONS

7. Provide a separate narrative response for each question set forth below and for each subpart of each question.
8. Identify each answer with the corresponding number of the question and subpart to which it responds.
9. State the name, address, email address, telephone number, and occupation of each person providing responses, or contributing information to responses, to each request for information below.
10. Provide all documents in your possession which relate to the responses given. With respect to each document, identify the date, author, addressee, current location, and custodian and identify the question or subpart to which it relates.
11. Answer each question to the extent possible. If any question cannot be answered in full, explain why to the extent possible. If your responses are qualified in any manner, please explain.
12. If information or documents unknown or unavailable to you as of the date of your response to this request become known or available to you after submitting your response to the request, you must supplement your response to EPA. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or misrepresents the truth, you must notify EPA of this fact as soon as possible and provide a

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corrected response.

13. Each submission pursuant to this request must be accompanied by the following certification and must be signed by a representative of Crooked Run WWTF authorized to respond on behalf of that entity.

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based upon my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for known violations."

Signed: _____

Title: _____

Date: _____

14. All information shall be submitted **within thirty (30) days** of receipt of this Information Requirement electronically to: Erin Trouba, Enforcement and Compliance Assurance Division at Trouba.Erin@epa.gov.

If you are unable to send requested documentation electronically, please contact Erin Trouba via phone or email to discuss alternate delivery methods. In both your message and written response, please indicate the specific information requested by EPA that you are unable to provide electronically.

15. If you have questions regarding this Information Requirement, you may contact Erin Trouba of the Enforcement and Compliance Assurance Division at Trouba.Erin@epa.gov or (215) 814-2023.

V. INFORMATION REQUIREMENT

The Respondent is hereby required, pursuant to Section 308 of the CWA, 33 U.S.C § 1318, to submit the following information to EPA **within thirty (30) calendar days** of receipt of this Information Requirement:

16. Provide a narrative description of Crooked Run WWTF ("Facility"), operational processes, and water pollution control equipment. Include in your response a site map that includes all outfall locations.
17. Attached is a spreadsheet with effluent limit exceedances identified in EPA's data systems for the period April 1, 2016 through March 31, 2021 and based on discharge monitoring reports (DMR) submitted by Crooked Run WWTF. Please identify any additional effluent exceedances for the period of April 1, 2016 through March 31, 2021 not identified on the spreadsheet and

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provide a certification as to the accuracy of the spreadsheet and any additions pursuant to Paragraph 13.

18. For each exceedance identified in Paragraph 17, provide a detailed narrative description of the cause of the exceedance and any measure you have taken or intend to take to correct the exceedance or prevent future exceedances. Include completed or scheduled dates for each identified measure. If applicable, include detailed non-compliance notifications submitted to Virginia Department of Environmental Quality (VADEQ).
19. Provide copies of any documents identified in or in support of your responses to questions 16-18, including copies of DMRs for exceedances identified in paragraph 17.
20. Provide any additional information related to violations that impact the current compliance status at the facility, other than those exceedances identified in paragraph 17.
21. Provide copies of all Virginia Pollutant Discharge Elimination System (VPDES) permits that were in effect during the past five years, including the previous permit.
22. Provide a copy of the Facility's most recent VPDES permit application.
23. Describe the facility's disinfection method. In your response, describe when and how often chlorine is used and when and how often a UV light disinfection system is used.
24. Identify the sampling location for Outfall 001 and explain the process for collecting monitoring samples.
25. Identify the current operating flow design capacity for the Facility.
26. Describe the status of upgrades to the Facility. Provide any Certificate(s) to Operate that this Facility has received in the past five years. Describe the timeline for changes of water flow capacity at the facility for the past five years and plans for changes to water flow capacity for the duration of this permitted period.
27. Include a table of the average monthly effluent flow at the Facility for the past five year period.
28. Provide a copy of the survey of all Industrial Users discharging to the Facility, as required by Part I.D.1. of the permit.
29. Provide a copy of the Facility's Operations and Maintenance (O&M) Manual, as required by Part I.E.4. of the permit.
30. Provide a copy of the Facility's Sludge Management Plan (SMP), as required by Part I.E.6. of the permit.
31. Provide the results from the Facility's Water Quality Criteria Monitoring, as required by Part I.E.9. of the Facility's VPDES permit, including Attachment A monitoring and testing requirements.

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32. Provide the results from the Facility's Water Quality Criteria Monitoring, as required by Part I.E.9. of the Facility's VPDES permit, including Attachment B monitoring and testing requirements. If those tests have not been done during this permitted period yet, then identify the anticipated approximate date for the testing and provide the results from the Facility's Water Quality Criteria Monitoring as required by Part I.F.9. of the Facility's 2014 VPDES permit.

VI. EFFECTIVE DATE

This INFORMATION REQUIREMENT is effective upon receipt.

Date: _____

Richard A. Rogers, Chief
Water Branch
Enforcement and Compliance Assurance Division